



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

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Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT



February 16, 2006

TO: Subscribers to Notice of Adopted Plan or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Klamath Falls Plan Amendment
DLCD File Number 018-05

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: February 27, 2006

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.625 (1), 197.830 (2), and 197.830 (9) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS ADOPTED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Mark Radabaugh, DLCD Regional Representative
Joyce Bunkoske, City of Klamath Falls

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FORM 2

D L C D NOTICE OF ADOPTION DEPT OF

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18

FEB 14 2006

(See reverse side for submittal requirements)

**LAND CONSERVATION
AND DEVELOPMENT**

Jurisdiction: CITY OF KLAMATH FALLS Local File No.: 11-A-05
(if no number, use none)

Date of Adoption: FEBRUARY 6, 2006 Date Mailed: FEBRUARY 13, 2006
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: OCTOBER 28, 2005

- | | |
|--|--|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input type="checkbox"/> Land Use Regulation Amendment | <input checked="" type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use Regulation | <input checked="" type="checkbox"/> Other: <u>ANNEXATION</u>
<small>(Please Specify Type of Action)</small> |

Summarize the adopted amendment. Do not use technical terms. Do not write see Attached.≡

ANNEXATION OF 2.11 ACRES INTO THE CITY OF
KLAMATH FALLS TO FACILITATE THE DEVELOPMENT OF
RESIDENTIAL HOUSING.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write same.≡ If you did not give notice for the proposed amendment, write AN/A.≡

Plan Map Changed from: RESIDENTIAL to RESIDENTIAL

Zone Map Changed from: RS-COUNTY to SF-CITY

Location: R-3909-7B-1900 AND 2901 Acres Involved: 2.11

Specify Density: Previous: 10,000 SF. New: 3,000 SF.

Applicable Statewide Planning Goals: _____

Was an Exception Adopted? Yes: _____ No: X

DLCD File No.: 018-05
(14783)

Did the Department of Land Conservation and Development **receive** a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing?** Yes: No:

If no, do the Statewide Planning Goals apply. Yes: No:

If no, did The Emergency Circumstances Require immediate adoption. Yes: No:

Affected State or Federal Agencies, Local Governments or Special Districts: _____

Local Contact: JOYCE BUNKOSKE Area Code + Phone Number: 541-853-5361

Address: P.O. BOX 226 City: KLAMATH FALLS

Zip Code+4: 97601 Email Address: JBUNKOSKE@CI-KLAMATH-FALLS. OR. US

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:
**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**
2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to Mara.Ulloa@state.or.us - **ATTENTION: PLAN AMENDMENT SPECIALIST.**

**A SPECIAL ORDINANCE ANNEXING INTO THE CITY OF KLAMATH FALLS
LOTS 38 THROUGH 43, 45 THROUGH 47, 50, 51, 86 AND 87 OF BLOCK 7 IN THE
CREGAN PARK SUBDIVISION, TOTALING APPROXIMATELY 2.11 ACRES**

WHEREAS, the applicant, Lewis Hanson Company, Inc., submitted a written proposal for annexation of certain real property which is hereinafter described; and

WHEREAS, a public hearing was held on December 12, 2005, pursuant to applicable laws, at which time all evidence and objection with reference to said proposed annexation were considered by the Planning Commission; and

WHEREAS, the City Council hearing notices having been duly given, did hold a public hearing on January 17, 2006, on the recommendation of and including the record of the Planning Commission concerning the annexation; and

WHEREAS, pursuant to such record and hearing the City Council has determined the annexation to be in compliance with the Community Development Ordinance and the Comprehensive Plan; and

WHEREAS, the City Council adopted the findings of the Planning Commission attached hereto and incorporated by this reference as Exhibit B;

NOW THEREFORE,

THE CITY OF KLAMATH FALLS ORDAINS AS FOLLOWS:

There is hereby annexed to the City of Klamath Falls, approximately 2.11 acres as shown on the map attached hereto as Exhibit A, and described as follows:

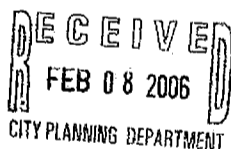
Lots 38 through 43 inclusive of CREGAN PARK, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

Lots 45, 46, 47, 50, 51, 86 and 87 of CREGAN PARK, according to the official plat thereof on file in the office on the County Clerk of Klamath County, Oregon.

The property is currently shown on Klamath County Tax Assessors Map, Sheet 3909-007BC, Tax Lots 01900 and 02901.

Passed by the Council of the City of Klamath Falls, Oregon, the 6th day of February, 2006.

Presented to the Mayor, approved and signed this 7th day of February, 2006.



[Signature]

Mayor

ATTEST:
[Signature]

City Recorder (Deputy Recorder)

STATE OF OREGON }
COUNTY OF KLAMATH }
CITY OF KLAMATH FALLS } SS

I, _____, Recorder (Deputy Recorder) for the City of Klamath Falls, Oregon, do hereby certify that the foregoing is a true and correct copy of an Ordinance duly adopted by the Council of the City of Klamath Falls, Oregon at the meeting on the 6th day of February, 2006 and therefore approved and signed by the Mayor and attested by the City Recorder (Deputy Recorder).

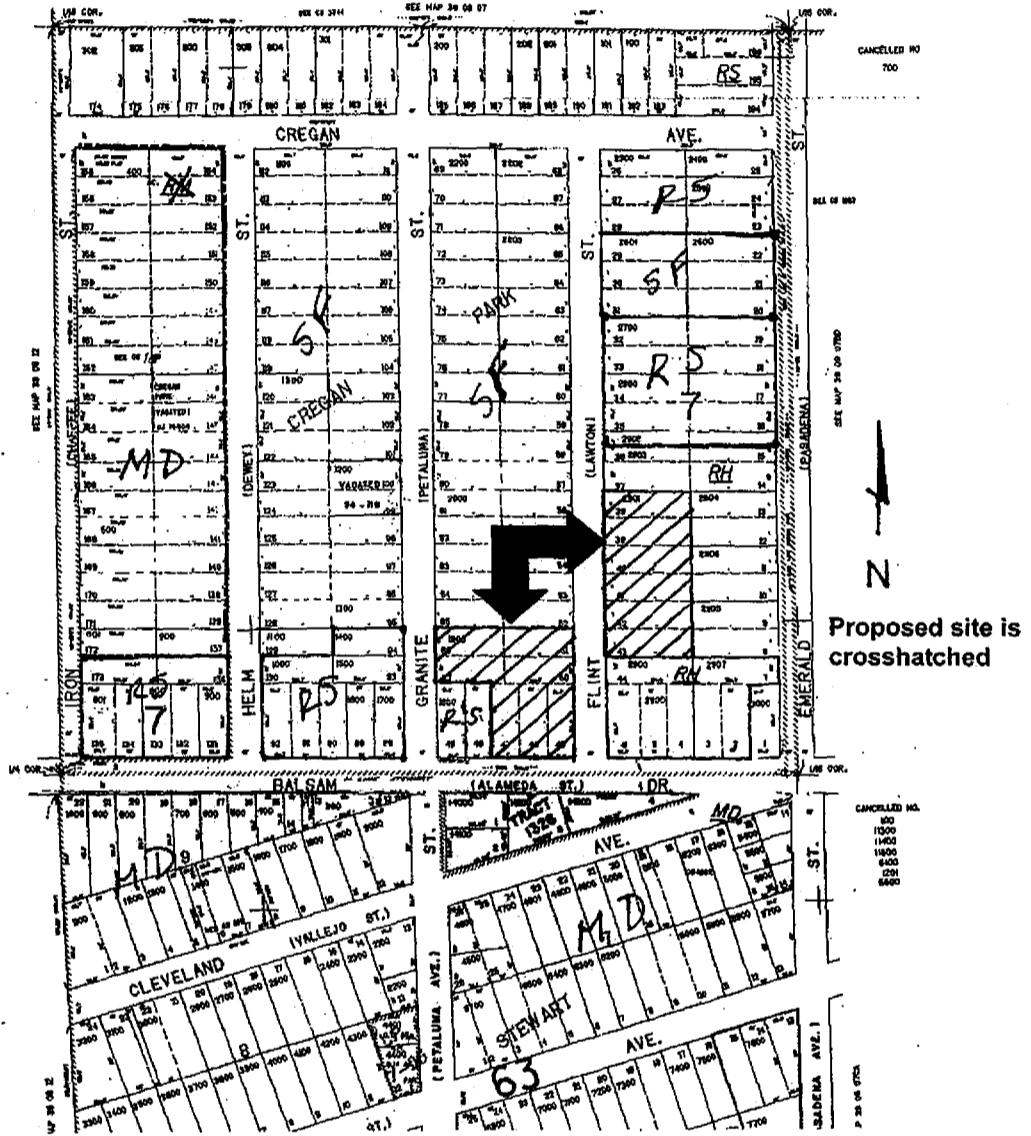
City Recorder (Deputy Recorder)

Exhibit A
VICINITY MAP
No Scale

SW1/4 NW1/4 SEC. 07 T.39S. R.09E. WM.
KLAMATH COUNTY

39 09 07BC

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY



**Exhibit B
FINDINGS**

Criterion: The annexation conforms to the Comprehensive Plan.

1) The annexation will not encroach upon agricultural ground.

Response

This annexation will not encroach on agricultural lands. These are existing lots totaling 2.11 acres for residential development and will remain residential if annexed. The property is surrounded by other City and County residential lots. Zones adjacent to tax lot 1900 are as follows: north is single family residential within the city, south is suburban residential within the county and medium density within the city, west is suburban residential within the county and single family within the city and east is high density residential within the county. Zones adjacent to tax lot 2901 are as follows: north is high density residential and suburban residential within the county, south high density residential within the county, and across Balsam Drive is medium density residential within the city, west single family residential within the city and east high density residential within the county.

2) The annexation will not encroach upon forestland.

Response

This annexation will not encroach upon forestland. These are existing 13 lots totaling 2.11 acres for residential development and will remain residential if annexed. The property is surrounded by other City and County residential lots. Zones adjacent to tax lot 1900 are as follows: north is single family residential within the city, south is suburban residential within the county and medium density within the city, west is suburban residential within the county and single family within the city and east is high density residential within the county. Zones adjacent to tax lot 2901 are as follows: north is high density residential and suburban residential within the county, south high density residential within the county, and across Balsam Drive is medium density residential within the city, west single family residential within the city and east high density residential within the county.

3) The annexation will help conserve open space and protect natural resources.

Response

This annexation will help conserve open space. This annexation will make it possible to develop existing residential lots within the Urban Growth Boundary.

4) The annexation will not adversely affect the quality of the community's air, water, and land resources.

Response

Before this property is developed, the developer must make all public right of way infrastructure improvements, such as street, water, sewer, storm drainage and streetlights that meets the approval of Klamath County Public Works and the City of Klamath Falls. This annexation will not adversely affect the community's air, water, and land resources.

5) The annexation will not endanger life or property from natural disasters or hazards.

Response

This annexation will not endanger life or property from natural disaster or hazards. The proposed residential sites will not affect any natural disaster or hazard.

6) The annexation will help satisfy the citizen's recreation needs.

Response

This annexation will not enhance nor distract from citizen's recreation needs, therefore is not applicable.

7) The annexation will help satisfy the community's housing need.

Response

The annexation of this property with help to facilitate the development of residential structures and provide the City of Klamath Falls with an additional 13 residential tax lots.

8) *The annexation will diversify and improve the community economy.*

Response

This annexation, if approved, will increase the City's tax base through an increase in real and personal property tax revenue in addition to generating funds through system development charges and income through ongoing water and sewer fees. The construction of residences will provide economic opportunities for individuals in the building industry.

9) *The annexation will create a timely, orderly, and efficient arrangement of public facilities and services.*

Response

The lot is adjacent to other land within the City limits and to City services, so it is logical to expand these services to the property. There are concerns regarding the infrastructure system of the Cregan Park Subdivision and adjacent Stewart Lennox areas. Water is the most critical. A recent model of the Stewart Lennox area predicts that there are only 30 to 40 ERUs of water available without major infrastructure improvements. The improvements needed are storage, enhancement of the existing Debbie well, and maybe the development of a new well. The sewer system currently has approximately 400 ERUs available before it reaches capacity. The City has commissioned a comprehensive study of the sewer system to identify the needed improvements. The study is anticipated to be complete in December, 2006.

To the best of our knowledge, the natural resources are present to provide the water. The infrastructure will need to be developed. Annexation provides the first step in the development of this property. The City is providing services on a first-come first-serve basis with priority given to properties within the city limits.

10) *The annexation will help provide a safe, convenient and economic transportation system.*

Response

The annexation will help provide a safe, convenient and economic transportation system as the area fronts City developed roads. Tax lot 1900 fronts Balsam Drive, Granite Street and Flint, and tax lot 2901 fronts Flint Street. If the property is developed with residences then it will contribute a fair and proportionate share toward development of the City's sidewalks, curbs and gutters through a Local Improvement Contract.

11) *The annexation will aid in conserving energy.*

Response

This annexation will aid in conserving energy. Once developed, it will help create "in-fill" within the urban area and therefore use existing public facilities and services, provided they are available.

12) *The annexation will promote an orderly and efficient transition from rural to urban land uses.*

Response

The site in question is already urban in nature, therefore it is not applicable.

Finding

The proposed annexation conforms to the comprehensive plan. This criterion is met.